

FISCAL NOTE

SB 2717 – HB 3540

March 24, 2006

SUMMARY OF BILL: Reduces civil action liability for the Department of Transportation (TDOT), its agents, consultants, or contractors when an accident occurs on a highway, road, street, bridge, or other transportation facility that results in the death of or injury to a person or damage occurs to property, when such person is under the influence of any intoxicant, marijuana, narcotic drug, or drug producing stimulating effects on the central nervous system, or when the alcohol concentration in such person's blood or breath was eight-hundredths of one percent (.08%).

ESTIMATED FISCAL IMPACT:

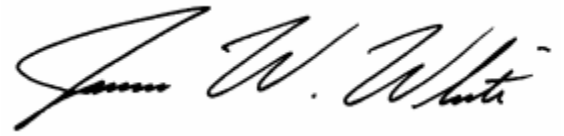
Decrease State Expenditures – Not Significant

Assumptions:

- According to the Attorney General's Office, enactment of this bill would have no fiscal impact upon the department.
- According to TDOT, enactment of this legislation could reduce the department's potential liability and ultimately reduce state expenditures resulting from litigation. However, the department has indicated the decrease would be considered not significant.
- According to the State Treasurer's Office, enactment of this bill would result in a minimal impact on the State Risk Management Fund.
- The state currently uses a defense of contributing behavior in cases where there is evidence of intoxication by a driver who files an action against the state.
- There have been no claims in recent years where the state has had to pay for damages under these circumstances.
- This act would take effect July 1, 2006.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director